## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

## SAN JOSE DIVISION

ANTONIO JULIO, an individual; and CLEOPATRA JULIO, an individual,  Plaintiffs,  v.	Case No.: 11-CV-00696-LHK  ORDER TO SHOW CAUSE WHY THE CASE SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE
WELLS FARGO BANK, a National Association; US BANK, a National Association; ) STANTON MORTGAGE, INC., a business entity, form unknown; ELSIE FOSTER, an individual; and DOES 1 through 50, inclusive,	
Defendants.	
)	

On February 22, 2011, Defendant Wells Fargo Bank, N.A., moved to dismiss this action for improper venue and failure to state a claim upon which relief can be granted. On March 7, 2011, Defendant Elsie Foster filed a separate motion to dismiss for lack of personal jurisdiction and failure to state a claim, and also joined in Wells Fargo's motion to dismiss. The case was subsequently reassigned to the undersigned Judge, and the Court issued an order setting a schedule for briefing of and hearing on the motions to dismiss. The Court mailed a copy of that order to Plaintiffs Antonio and Cleopatra Julio on March 8, 2011. Pursuant to the March 8, 2011 Order Setting Briefing Schedule and Hearing on Motions, Plaintiffs' opposition to Defendants' motions

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was due by April 7, 2011. It is now nearly one month past the deadline for Plaintiffs to file opposition briefs responding to Defendants' motions to dismiss. Plaintiffs have not filed either an opposition or a statement of non-opposition, as required by Civil Local Rule 7-3, nor have their requested an extension or otherwise communicated with the Court.

Accordingly, the Court hereby ORDERS Plaintiff to show cause why this matter should not be dismissed for failure to prosecute. The hearing on Defendants' motions set for May 19, 2011 is VACATED. No later than Thursday, May 26, 2011, Plaintiffs shall submit a response demonstrating why the matter should not be dismissed. Failure to respond will result in dismissal without prejudice for failure to prosecute. This Order does not constitute permission to file a late opposition to the pending motions.

IT IS SO ORDERED.

Dated: May 6, 2011

Fucy H. Koh United States District Judge

<sup>&</sup>lt;sup>1</sup> In its order, the Court also encouraged Plaintiffs to seek assistance from the Federal Legal Assistance Self-Help Center and provided information about obtaining an appointment with the Center.